

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.17283 of 2006

ORDER:

At the stage of vacate stay petition, the writ petition itself is disposed of with the consent of both the counsel.

This writ petition is filed for a Writ of *Mandamus* to invalidate declaration dated 25-07-2006 issued by the respondent No.1 under Section 6 of the Land Acquisition Act, 1984 (for short, 'the Act') on the ground of arbitrariness and being violative of Articles 300-A, 14, 19 and 21 of the Constitution of India.

The Revenue Divisional Officer and Land Acquisition Officer, Gudivada, who filed counter-affidavit, mentioned in paragraph 3 at pages 4 to 6 as under:

"In view of urgency, enquiry under Section 5-A of the Land Acquisition Act was dispensed with duly invoking urgency clause under Section 17 (4) of the Act. Thereafter, the District Collector has approved the Draft Declaration under Section 6 of the Land Acquisition Act on 25-07-2006. The Draft Declaration under Section 6 has been published in the Gazette, News Papers and locality as required under Land Acquisition Act in the following manner:

Sl. No.	Mode of Publication	Date of Publication of Draft Notification
1.	Krishna District Gazette 71/KST/2006	26-07-2006
2.	Janatha Daily News Paper (Telugu)	03-08-2006
3.	Hindu Daily News Paper (Telugu)	03-08-2006
4.	Substance in the Locality	06-08-2006

Thereupon, Notice under Section 9 (1) and 10 of Land Acquisition Act were issued for publication in the locality and Notices under Section 9 (3) and 10 were issued for service on the land owners to attend the Award enquiry on 30-08-2006. At that stage, some of the land owners viz., Sri T.Suryanarayana, Sri V.Ramamohana Rao and Sri T.Sai Lokesh (Minor), legal representative of Smt.Peddibotla Kusuma Priya have approached this Hon'ble Court and filed W.P.No.17411 of 2006. This Hon'ble Court has disposed of the said Writ Petition at the admission stage itself on 23-08-2006 directing the respondents to conduct 5-A enquiry duly issuing notices to the petitioners therein. The Hon'ble Court

has also quashed the Draft Declaration under Section 6 of the Land Acquisition Act published on 26-07-2006. In pursuance of the directions of this Hon'ble Court, Notices under Section 5-A of the Land Acquisition Act were issued to the said land owners and 5-A enquiry was conducted on 03-10-2006. However, the decision on 5-A enquiry with regard to the Petitioners in W.P.No.17411 of 2006 could not be taken by the District Collector, in view of the fact that petitioner herein viz., Doppalapudi Preethi, has filed the present Writ Petition questioning the same notification and obtained interim orders in W.P.M.P. No.21645 of 2006 in W.P. No.17283 of 2006 dated 25-08-2006."

In view of the above reproduced averments contained in the counter-affidavit in which it is categorically admitted that with regard to the same acquisition proceedings, this Court set-aside the declaration issued under Section 6 of the Act at the instance of Sri T.Suryanarayana and others in W.P.No.17411 of 2006, this Writ Petition is also allowed and the declaration dated 25-07-2006 issued under Section 6 of the Act by the first respondent to the extent of the petitioner is set aside. The respondents are directed to hold enquiry under Section 5-A of the Act and till the completion of the enquiry, the petitioner shall not be dispossessed from her land under acquisition. No order as to costs.

C.V.NAGARJUNA REDDY, J.

Date : 16th November, 2007.

skmr

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.17283 of 2006

Date: 16th November, 2007

BETWEEN:

Doppalapudi Preethi,
W/o Venkata Raghavendra Rao,

Aged about 26 years, House-wife,
R/o Chandanagar, Hyderabad,
rep. by her G.P.A. Holder P.Lakshmana Rao,
S/o Satyanarayana, aged about 55 years,
R/o Ameerpet, Hyderabad ..
Petitioner

AND

The District Collector,
Krishna District, Chilakalapudi,
Machilipatnam and another ..
Respondents

Counsel for the petitioner : Sri Y.Subrahmanyam

Counsel for the Respondents : Assistant Govt. Pleader for Land
Acquisition